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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

THE UNITED STATES OF AMERICA, ex  
rel. MICHAEL T. BROOKS,

Relator,

v.

TRILLIUM COMMUNITY HEALTH  
PLAN, INC., AGATE RESOURCES, INC.,  
and LANE INDIVIDUAL PRACTICE  
ASSOCIATION, INC.,

Defendants.

Case No.: 6:14-cv-01424-MC

**DECLARATION OF RACHEL C. LEE  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR ORDER TO SHOW  
CAUSE WHY RELATOR SHOULD  
NOT BE ADJUDGED IN CIVIL  
CONTEMPT**

I, Rachel C. Lee, declare as follows:

1. I am counsel of record for Agate Resources, Inc. ("Agate") in *Michael T. Brooks v. Agate Resources, Inc.*, Ninth Circuit Case No. 19-35547 and Supreme Court Case No. 20-8177. I make this declaration in support of Defendants' Motion for Order to Show Cause Why

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MOTION FOR ORDER TO SHOW CAUSE WHY RELATOR SHOULD NOT  
BE ADJUDGED IN CONTEMPT

Relator Should Not Be Adjudged in Civil Contempt. I have personal knowledge of the facts stated in this declaration.

2. On or about March 29, 2021, Michael T. Brooks filed a petition for a writ of certiorari from the Ninth Circuit's decision in *Michael T. Brooks v. Agate Resources, Inc.*, Ninth Circuit Case No. 19-35547. The Supreme Court assigned Supreme Court Case No. 20-8177 to that petition.

3. To my knowledge, and based on the Supreme Court docket, Mr. Brooks made no attempt to file his petition for writ of certiorari in Supreme Court Case No. 20-8177 under seal.

4. Attached hereto as Exhibit 1 is a true and correct copy, with pertinent portions highlighted, of a motion to seal filed by Agate on April 19, 2021 in Supreme Court Case No. 20-8177.

5. Attached hereto as Exhibit 2 is a true and correct copy, with pertinent portions highlighted, of a redacted version of Mr. Brooks' petition for writ of certiorari in Supreme Court Case No. 20-8177, which is also available at [https://www.supremecourt.gov/DocketPDF/20/20-8177/180308/20210527114759198\\_20210527-114235-95753808-00002188.pdf](https://www.supremecourt.gov/DocketPDF/20/20-8177/180308/20210527114759198_20210527-114235-95753808-00002188.pdf).

6. On or about April 27, 2021, Mr. Brooks opposed the motion to seal that Agate had filed in Supreme Court Case No. 20-8177. Attached hereto as Exhibit 3 is a true and correct copy, with pertinent portions highlighted and redactions and the notation "REDACTED" added by Agate, of the opposition filed by Mr. Brooks. His opposition to the motion to seal repeated some of the exact same confidential medical information that Agate had moved to seal and disclosed further detail about one individual.

7. On June 1, 2021, the Supreme Court granted Agate's motion to seal Mr. Brooks' petition for certiorari and his opposition to the motion to seal in Supreme Court Case No. 20-8177.

8. On or about May 28, 2021, Mr. Brooks filed a petition for writ of certiorari from the Ninth Circuit's decision in *Michael T. Brooks v. Department of Labor, Administrative Review Board*, Ninth Circuit Case No. 19-71240. The Supreme Court assigned Supreme Court Case No. 20-8413 to that petition. Attached hereto as Exhibit 4 is a true and correct copy, with redactions and the notation "REDACTED" added by Agate, of the petition for writ of certiorari in Supreme Court Case No. 20-8413.

9. Mr. Brooks filed publicly his petition for writ of certiorari in Supreme Court Case No. 20-8413.

10. Mr. Brooks' petition for writ of certiorari in Supreme Court Case No. 20-8413 contained some of the same medical information about two of the students that he had previously included in his petition in Supreme Court Case No. 20-8177 and also added new information. One student was described again by nationality, family of origin, gender, and the reproductive health services that the student obtained. Another student was described again by nationality, gender, student status, medical condition and, for the first time, Mr. Brooks disclosed a specific form of treatment that this student received. The petition in Supreme Court Case No. 20-8413 also added new disclosures about other students of specified nationality or ethnicity who tested positive or received treatment for other stigmatizing medical conditions.

11. Because the Supreme Court does not deem Agate to be a party to Supreme Court Case No. 20-8413, Agate is unable to move to seal that petition for writ of certiorari. However, I

have been in communication with the U.S. Solicitor General's Office about whether the U.S. Department of Labor is willing to do so.

I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED: August 10, 2021.

*/s/ Rachel C. Lee*  
Rachel C. Lee

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **DECLARATION OF RACHEL C. LEE IN SUPPORT OF DEFENDANTS' MOTION FOR ORDER TO SHOW CAUSE WHY RELATOR SHOULD NOT BE ADJUDGED IN CONTEMPT** on the following named person(s) on the date indicated below by:

- mailing with postage prepaid
- overnight delivery
- email
- notice of electronic filing using the CM/ECF system

to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said person(s) at his or her last-known address(es) indicated below.

Michael T. Brooks  
32713 Vintage Way  
Coburg, OR 97408  
Tel: 541-556-6130  
Email: [mibrooks@mac.com](mailto:mibrooks@mac.com)

*Plaintiff Pro Se*

DATED: August 10, 2021.

STOEL RIVES LLP

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